

THE HUMAN RIGHTS CODE, 1981  
S.O. 1981, c. 53, as amended

IN THE MATTER OF the complaint of Mr. Robert J. Belzile,  
of Kingston, Ontario, alleging discrimination in employment by  
the Corporation of the City of Kingston and Fire Chief Ken Cowdy,  
216 Ontario Street, Kingston, Ontario.

BETWEEN:

ROBERT J. BELZILE

Complainant

- and -

THE CORPORATION OF THE CITY OF KINGSTON

- and -

FIRE CHIEF KEN COWDY

Respondents

- and -

THE ONTARIO HUMAN RIGHTS COMMISSION



WHEREAS Robert J. Belzile ("the Complainant") filed a complaint being complaint Number 740789, under the Ontario Human Rights Code, 1981, alleging discrimination in employment because of perceived handicap on May 11, 1983 against the Corporation of the City of Kingston their servants and agents ("The Corporate Respondent") and Fire Chief Ken Cowdy ("The Individual Respondent")

AND WHEREAS the Complainant, the Corporate and Individual Respondents and the Ontario Human Rights Commission ("the Commission") wish to resolve all outstanding issues between them;

THEREFORE, in consideration of the covenants contained herein, the Complainant, the Corporate Respondent, the individual Respondent and the Commission hereby covenant and agree as follows:

1. That the Respondents offer to the Complainant a position as a probationary firefighter commencing at the earliest possible date, but no later than August 31, 1985;
2. That the Corporate Respondent pay to the Complainant the sum of SIX THOUSAND SIX HUNDRED DOLLARS (\$6,600.00) to be increased by the percentage increase awarded by the Corporate Respondent to its firefighters for 1985. This sum shall be held in trust by the Corporate Respondent and invested in term deposits at the best available rate of interest, for periods not



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exceeding 90 days, which investments shall be renewed upon maturity. The total sum together with accrued interest shall be paid to the Complainant upon his successful completion of the requisite one-year period of probation. In the event that the Complainant either resigns his position of firefighter, or if his allergy or other symptoms, as described by Drs. Milne, Lees, Briscoe and Day in their reports contained in the Commission's files prevent him from performing the essential duties of a firefighter prior to the end of the one year probationary period, the Corporate Respondent will not be obliged to pay and may retain the said monies held in trust to the Complainant.

3. In the event that the Complainant is required to submit to a medical examination in accordance with the terms of his contract with the Corporate Respondent, the examination shall be performed by a qualified medical practitioner other than Dr. Richard T.G. Milne. The said practitioner shall be chosen or appointed by the Corporate Respondents.

4. This settlement is without any admission on the part of either Respondent that they denied the Complainant any right he has pursuant to the provisions of the Ontario Human Rights Code, 1981.

5. The Complainant acknowledges that these Minutes of Settlement constitute full and final settlement of this complaint, and he hereby releases the Respondents from any claim he may have with respect to the circumstances set out in the complaint, and will not bring any action or initiate any other proceedings with respect to those circumstances.



6. These Minutes of Settlement shall be confidential as among the parties hereto, but the Commission shall be entitled to make available a press release as set out in Schedule "A" attached.

DATED AT KINGSTON this 18th day of June, 1985.

Bob Bayle

Complainant

[Signature] CTO  
Corporation of the City of  
Kingston

[Signature] (Acting Fire Chief)

Fire Chief Ken Cowdy

[Signature]  
The Ontario Human Rights  
Commission

THE CORPORATION OF THE CITY OF KINGSTON

Per:

[Signature]  
Mayor (ACTING)

[Signature]  
City Clerk

The Human Rights Commission hereby ratifies and confirms this settlement





SCHEDULE "A"

PRESS RELEASE

The complaint by Robert J. Belzile of Kingston alleging discrimination in employment by the City of Kingston and Fire Chief Ken Cowdy on the grounds of perceived handicap was resolved to the satisfaction of the parties before the date set for a hearing of the complaint. The City has offered Mr. Belzile a position as a probationary firefighter, and other terms have been agreed to conditional upon Mr. Belzile satisfactorily completing the probationary period.

